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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CAROLINE ANGULO, et al.,

CASE NO. C22-0915JLR

11 Plaintiffs,

ORDER

12 v.

13 PROVIDENCE HEALTH &
14 SERVICES – WASHINGTON, et al.,

Defendants.

15 Before the court is Plaintiffs Caroline Angulo, Eric Keller, Isabel Lindsey, and
16 Charles Lindsey¹ (collectively, “Plaintiffs”) supplemental brief requesting leave to issue a
17 subpoena to non-party MultiCare Health System (“MultiCare”). (*See* Supp. Brief (Dkt.
18 # 68); Prop. Order (Dkt. # 68-1).) The court has reviewed Plaintiffs’ request and relevant
19 law. Being fully advised, the court GRANTS the request.

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¹ Plaintiffs filed this brief before amending their complaint, in which they added Caroline Bash and the Estate of Steven Bash as Plaintiffs. (*See* Dkt.; SAC (Dkt. # 80).)

1 On March 17, 2023, the court ordered Plaintiffs and Defendant Providence Health
 2 & Services – Washington (“Providence”) to conduct jurisdictional discovery regarding
 3 whether any exception to the Class Action Fairness Act’s (“CAFA”) removal provision
 4 applies to this case. (*See* 3/17/23 Order (Dkt. # 66); *see also* 5/15/23 Order (Dkt. # 79)
 5 (modifying March 17, 2023 Order).) Specifically, the court concluded that it could not
 6 determine whether it could exercise subject matter jurisdiction without knowing the
 7 number of proposed class members in the aggregate and their citizenship and state of
 8 residency. (3/17/23 Order at 13-15.) The court ordered Plaintiffs to submit a
 9 supplemental brief describing their plan for ascertaining the same data for members of
 10 the proposed class who received treatment at MultiCare, as MultiCare is not a party to
 11 this suit. (*Id.* at 15; *see also* SAC ¶ 6.2.3 (defining the “Proposed MultiCare Class”).)
 12 Plaintiffs now ask the court for leave to subpoena a list of members of the Proposed
 13 MultiCare Class with patients’ names and contact information. (*See* Supp. Br.²)

14 Rule 45 allows a party to compel a non-party to testify in a deposition or to
 15 produce documents. Fed. R. Civ. P. 45(a)(1)(B), (D). Such a subpoena may be issued by
 16 the Clerk or by an attorney who is authorized to practice in the issuing court. *Id.*
 17 45(a)(3). In light of the court’s paramount need to determine whether it may exercise
 18 subject matter jurisdiction over this action, the court concludes that Plaintiffs may issue

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² Plaintiffs represent that MultiCare is engaged in parallel litigation with counsel for Plaintiffs over issues similar to those presented in this case. (Supp. Br. at 2 n.1 (citing *Rae v. MultiCare, et al.*, Case No. 22-2-06780-8 (Pierce Cnty. Super. Ct.).)

1 the requested subpoenas to MultiCare.³ The court urges Plaintiffs to carefully review
2 Rule 45's requirements regarding the form, contents, and service of subpoenas. *See id.* at
3 45(a). The court reminds Plaintiffs of their obligations to "take reasonable steps to avoid
4 imposing undue burden or expense on a person subject to the subpoena," subject to
5 sanction by the court for the district where compliance is required. *Id.* at 45(d)(1).

6 For the foregoing reasons the court GRANTS Plaintiffs' request for leave to issue
7 subpoenas to MultiCare (Dkt. # 68).

8 Dated this 23rd day of May, 2023.



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10 JAMES L. ROBART
11 United States District Judge
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³ The court takes no present position on whether MultiCare must respond to the subpoena. *See Fed. R. Civ. P. 45(d)(3)(A)(iii)* ("On timely motion, the court . . . must quash or modify a subpoena that requires disclosure of privileged or other protected matter"); *Herrera v. City of Los Angeles*, Case No. 2:16-cv-2719-DSF (SKx), 2017 WL 8811268, at *2 (C.D. Cal. March 9, 2017) (quashing subpoena that sought information protected by the Health Insurance Portability & Accountability Act).